

**2011 DRAFTING REQUEST**

**Bill**

Received: **08/19/2011**

Received By: **btradewe**

Wanted: **Soon**

Companion to LRB:

For: **Chris Larson (608) 266-7505**

By/Representing:

May Contact:

Drafter: **btradewe**

Subject: **Environment - recycling**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Larson@legis.wisconsin.gov**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Sale and return of lead acid batteries

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**Instructions:**

Like 11-1824

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 08/19/2011	jdye 08/22/2011		_____			
/1			phenry 08/22/2011	_____	sbasford 08/22/2011	lparisi 09/15/2011	

FE Sent For:

*None*

<END>

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1/2	btradewe	1/8 22jld	gdpn				

EE Sent For:

<END>

**Tradewell, Becky**

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**From:** Powell, Shannon  
**Sent:** Friday, August 19, 2011 4:27 PM  
**To:** Tradewell, Becky  
**Cc:** Vick, Jason  
**Subject:** FW: Draft of Battery Co-sponsorship  
  
**Attachments:** 11-18241.pdf

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**From:** Vick, Jason  
**Sent:** Friday, August 19, 2011 3:50 PM  
**To:** Powell, Shannon  
**Subject:** Draft of Battery Co-sponsorship

Shannon,

Here is a draft of the co-sponsorship memo for the battery bill. I will also send it to Mike Moeller to make sure it is accurate. Let me know if your boss wants to make any changes. Do you want to say we are introducing the bill on behalf of our constituent?

Also, I don't remember if you had a Senate companion bill drafted. If so, I can include both LRB #s.

Thanks,

**Jason Vick**

Office of Rep. Mark Honadel  
21st Assembly District  
**608-266-0611**

**To: Legislative Colleagues**

**From: Representative. Mark Honadel & Senator Chris Larson**

**Re: Co-Sponsorship of LRB-1824/1 – The sale of lead acid batteries and acceptance of used lead acid batteries**

**Deadline: XX, September XX, 2011**

Current law prohibits anyone from disposing of a lead acid battery in a landfill or incinerating it. The law requires anyone who sells a lead acid battery to a consumer to accept the consumer's used battery and cannot charge the consumer a deposit that is more than \$5.

However, the mandated cap has not been updated since 1995 and no longer reflects the prevailing market value of used lead acid batteries. With the large gap between the state-mandated core cap and higher market-driven prices paid by unregulated scrap metals dealers, small businesses in Wisconsin are hard-pressed to compete. It may also encourage stockpiling of used batteries by consumers.

At a time when prevailing market values for used batteries are at an all-time high, the mandated cap jeopardizes the viability of many Wisconsin small businesses that rely on scrap battery supply to maintain a competitive advantage in the marketplace. Currently core charges from battery manufacturers and wholesalers may be larger than the allowed deposit amount, which may result in a net loss to the retailer. For example, a manufacturer may charge a \$15 core charge but the retailer can only charge a \$5 core charge. If the retailer does not get the used battery back from the customer, the retailer is out \$10. In turn, retailers may have to raise prices on consumers because new battery pricing is determined with the assumption that the used battery will be returned. If the retailer is not sending back enough used batteries back to the manufacturer, a surcharge may be imposed by the manufacturer on the retailer.

LRB-1824 requires a deposit not less than \$5, allowing the market to set the core charge amount. The bill also explicitly defines the term "deposit" to include a core charge. The bill changes the "retailer" wording to "seller" in order to avoid any discrimination between market channels. The bill seeks to ensure a fair and level competitive environment for Wisconsin consumers and businesses while continuing the benefits of battery recycling.

**If you would like to co-sponsor this legislation, please contact Rep. Honadel's office at 6-0610 or Sen. Larson's office at 6-7505 or by responding to this e-mail before 5:00 p.m., X, September XX.**

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*Attached for review is a copy of the bill:*

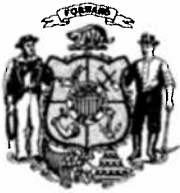


11-18241.pdf (31  
KB)

#### ***Analysis by the Legislative Reference Bureau***

*Current law prohibits a person from disposing of a lead acid battery, including a motor vehicle battery, by placing it in a landfill or incinerating it. Current law requires anyone who sells a lead acid battery to a person who will use the battery (a consumer) and who installs the battery to accept the consumer's used battery. Current law also requires a person who sells a lead acid battery to a consumer without installing the battery to offer to take the used battery in trade. The law prohibits a person from charging a consumer a deposit of more than \$5 on the sale of a lead acid battery.*

*This bill requires a person who sells a lead acid battery to a consumer to charge a deposit of not less than \$5. The bill also changes terminology in the law relating to the sale of lead acid batteries and defines the term "deposit" for the purposes of that law.*



State of Wisconsin  
2011 - 2012 LEGISLATURE

Mon 8/22, if possible

2692/L  
LRB-1824/1  
RCT:sbb&jld:rs  
keep r mnr

2011 BILL

4

Regen

1 AN ACT *to amend* 287.18 (1) (c), 287.18 (1m) (a) (intro.), 287.18 (1m) (a) 3., 287.18  
2 (1m) (b), 287.18 (2) (a) and (b), 287.18 (3) (a) (intro.), 287.18 (3) (a) 3., 287.18 (3)  
3 (b), 287.18 (4) (a) and (b) and 287.18 (5); and *to create* 287.18 (1) (bm) of the  
4 statutes; **relating to:** the sale of lead acid batteries and acceptance of used lead  
5 acid batteries.

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*Analysis by the Legislative Reference Bureau*

Current law prohibits a person from disposing of a lead acid battery, including a motor vehicle battery, by placing it in a landfill or incinerating it. Current law requires anyone who sells a lead acid battery to a person who will use the battery (a consumer) and who installs the battery to accept the consumer's used battery. Current law also requires a person who sells a lead acid battery to a consumer without installing the battery to offer to take the used battery in trade. The law prohibits a person from charging a consumer a deposit of more than \$5 on the sale of a lead acid battery.

This bill requires a person who sells a lead acid battery to a consumer to charge a deposit of not less than \$5. The bill also changes terminology in the law relating

**BILL**

to the sale of lead acid batteries and defines the term "deposit" for the purposes of that law.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1       **SECTION 1.** 287.18 (1) (bm) of the statutes is created to read:

2       287.18 (1) (bm) "Deposit" means an amount charged, upon the sale of an item,  
3       that is refunded when the item, or another item of the same kind, is relinquished to  
4       the person who sold the item. "Deposit" includes a core charge.

5       **SECTION 2.** 287.18 (1) (c) of the statutes is amended to read:

6       287.18 (1) (c) "~~Retailer~~" "Seller" means a person who sells batteries to  
7       consumers.

8       **SECTION 3.** 287.18 (1m) (a) (intro.) of the statutes is amended to read:

9       287.18 (1m) (a) (intro.) The department shall provide a notice concerning the  
10       disposal of batteries to all ~~retailers~~ sellors. The notice shall be 8.5 inches by 11 inches  
11       and all notices shall be of the same color, typeface, and type size. The notice shall  
12       include all of the following information:

13       **SECTION 4.** 287.18 (1m) (a) 3. of the statutes is amended to read:

14       287.18 (1m) (a) 3. That state law requires ~~retailers~~ sellors to accept used  
15       batteries in trade and in some other instances.

16       **SECTION 5.** 287.18 (1m) (b) of the statutes is amended to read:

17       287.18 (1m) (b) A ~~retailer~~ seller shall post the notice provided under par. (a)  
18       in a place where it can be seen by consumers.

19       **SECTION 6.** 287.18 (2) (a) and (b) of the statutes are amended to read:

**BILL**

1           287.18 (2) (a) A ~~retailer~~ seller who sells a battery to a consumer and installs  
2           the battery shall accept the used battery unless the consumer refuses to relinquish  
3           the used battery.

4           (b) If the consumer refuses to relinquish the used battery under par. (a), the  
5           ~~retailer~~ seller shall comply with sub. (3).

6           **SECTION 7.** 287.18 (3) (a) (intro.) of the statutes is amended to read:

7           287.18 (3) (a) (intro.) If a ~~retailer~~ seller sells a battery to a consumer without  
8           installing the battery or if sub. (2) (b) applies, the ~~retailer~~ seller shall do all of the  
9           following:

10          **SECTION 8.** 287.18 (3) (a) 3. of the statutes is amended to read:

11          287.18 (3) (a) 3. Subject to par. (b), accept the consumer's used battery in trade  
12          for a new battery without charge or time limit, during normal business hours, at any  
13          business location owned or operated by the ~~retailer~~ seller.

14          **SECTION 9.** 287.18 (3) (b) of the statutes is amended to read:

15          287.18 (3) (b) A ~~retailer~~ seller accepting a used battery in trade under par. (a)  
16          3. may require the consumer to provide proof that the consumer purchased a battery  
17          from the ~~retailer~~ seller.

18          **SECTION 10.** 287.18 (4) (a) and (b) of the statutes are amended to read:

19          287.18 (4) (a) Except as provided in par. (b), if a person delivers to a ~~retailer~~  
20          seller a used battery to which sub. (3) (a) 3. does not apply, the ~~retailer~~ seller shall  
21          accept the used battery. A ~~retailer~~ seller may charge up to \$3 for each battery  
22          delivered under this paragraph.

23          (b) A ~~retailer~~ seller is not required to accept more than 2 batteries delivered  
24          under this subsection by a person on one day.

25          **SECTION 11.** 287.18 (5) of the statutes is amended to read:



# BILL

## SECTION 11

287.18 (5) DEPOSIT. ~~A retailer may~~ seller shall charge a deposit of not ~~more~~ less than \$5 on the sale of a battery. The ~~retailer~~ seller shall refund the deposit if the consumer delivers the battery to the ~~retailer~~ seller under sub. (3) (a) 3.

**(END)**

**Parisi, Lori**

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**From:** Powell, Shannon  
**Sent:** Thursday, September 15, 2011 9:31 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-2692/1 Topic: Sale and return of lead acid batteries

Please Jacket LRB 11-2692/1 for the SENATE.

Please send to Sen Larson office